

**Notice of Allowability**

Application No.

10/551,925

Examiner

Quyen P. Leung

Applicant(s)

HONMA, TOSHIHIKO

Art Unit

2874

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

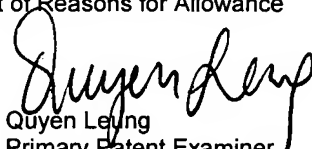
5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

  
Quyen Leung  
Primary Patent Examiner  
Group Art Unit 2874

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 20070116, 20060919, 20051005.

### EXAMINER'S AMENDMENT ✓

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- In claim 24 line 1 "according to claim" has been amended to –according to claim 23--, for proper antecedent basis of the second holder engaging member which is first claimed in claim 23.

The following is an examiner's statement of reasons for allowance: ✓

The claims 1-21 are allowed primarily because the cited prior art do not teach or fairly suggest a fiber cleaver having a cutter that affords a scratch to a glass fiber portion held by a holding member **and** an elastic member or spring for moving the cutter, wherein a slider engaging member maintains the elastic member or spring in a state of elastic deformation.

The claims 22-26 are allowed primarily because the cited prior art do not teach or fairly suggest a fiber cleaver having a cutter that affords a scratch to a glass fiber

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portion held by a holding member **and** a holder engaging part for holding a holder that holds an optical fiber at its part having a protective covering, **wherein the holder engaging part has a first holder engaging member for pushing and holding the holder in a direction parallel to a movement direction of the cutter.**

While it teaches a fiber cleaver having a holding member (40,41) for holding glass fiber portion and a cutter (50) that affords a scratch to the glass fiber portion held by the holding member (40,41), the closest cited prior art **Kobayashi et al (JP 2003-165740)** fails to teach an elastic member or spring for moving the cutter, wherein a slider engaging member maintains the elastic member or spring in a state of elastic deformation. While Kobayashi et al teaches the cutter (50) being slidable and teaches elastic member or springs (22,24,31) for other reasons, Kobayashi et al does not teach an elastic member or spring for moving the cutter, wherein a slider engaging member maintains the elastic member or spring in a state of elastic deformation. Further, Kobayashi et al fails to teach a holder engaging part having a first holder engaging member for pushing and holding the holder in a direction parallel to a movement direction of the cutter. Applicant states its criticality in paragraphs [0041-0042] of the

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US Patent Application Publication 2006/0263028 of the instant application.

[0041] As shown in FIG. 1, on the surface of the one end portion 28 of the lower casing main body 27, there is provided a holder engaging part 23 for fixing a holder which holds an optical fiber 37 by the protective covering portion. The holder engaging part 23 is a depressed part formed so as to hold a holder 63. The holder 63 has, for example, a structure in which a holder member 63B is detachably attached on a support plate 63A and in which a guide 63C for positioning the optical fiber 37 is provided in the upper part of the support plate 63A.

[0042] With the structure in which the holder 63 can be held in the holder engaging part 23, it is possible to hold an optical fiber before fixing the glass fiber portion 37A by the upper and lower holding members 15 and 18. A graduation 26 is provided adjacent to the holder engaging part 23. With the graduation 26 the glass fiber portion 37 can be cleaved to a desired correct length (protruding-out length).

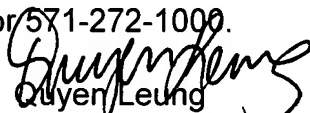
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quyen P. Leung whose telephone number is (571) 272-8188. The examiner can normally be reached on normally M-F, 6:15 am - 2:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Quyen Leung  
Primary Patent Examiner  
Group Art Unit 2874

qpl